## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA.

Case No. 2:17-cr-00114-APG-CWH

Plaintiff.

**ORDER** 

V.

DAVID ALAN COHEN,

Defendant.

This matter is before the court on defendant David Alan Cohen's motion for summary judgment (ECF No. 207), filed on February 26, 2018. The government did not file a response.

Mr. Cohen is a pro se pre-trial detainee in the custody of the Southern Nevada Detention Center. Mr. Cohen states the detention center requires him to wear polyester boxer shorts rather than cotton briefs or boxer briefs, his undergarments of choice. Mr. Cohen further states the polyester boxer shorts are uncomfortable and have aggravated a skin condition in his groin area. According to Mr. Cohen, female detainees are issued briefs, and transgender detainees are issued their choice of briefs or boxer briefs. Mr. Cohen argues the detention center's policies regarding men's undergarments are constitutionally infirm and seeks damages under 42 U.S.C. § 1983.

The Federal Rules of Criminal Procedure do not provide for motions for summary judgment or otherwise set forth procedures for addressing Mr. Cohen's concerns regarding his undergarments or other conditions of confinement. To the extent Mr. Cohen seeks to challenge the conditions of his confinement under 42 U.S.C. § 1983, he may file a civil complaint.

IT IS THEREFORE ORDERED that defendant David Alan Cohen's motion for summary judgment (ECF No. 207) is DENIED.

DATED: March 27, 2018

UNITED STATES MAGISTRATE JUDGE